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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,550

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Karl-Friedrich Laible

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EXAMINER

TRAN, HANH VAN

ART UNIT

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3637

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/791,550	Applicant(s) LAIBLE ET AL.	
	Examiner Hanh V. Tran	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 9/18/2006.

Claim Objections

2. Claim 12 is objected to because of the following informalities: line 2, "said destructible covers" should be "said destructible layer covers". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11 and 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 11 and 13, the limitation of the mechanical connection being formed "outside of said wall opening" is vague, thus indefinite for failing to clearly define what would consider to be "outside" of the wall opening.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 6-9, 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,471,313 to Ueda et al.

Ueda et al discloses a refrigerating appliance housing comprising all the elements recited in the above listed claims including, such as shown in Fig 20, a wall having an opening 56 formed therein, a reinforcing part 14 having a hole 55 formed therein and disposed with said hole 55 overlapping said opening 56 of said wall, a destructible layer 51 disposed between said wall opening 56 and said reinforcing part hole 55, said destructible layer 51 covering said wall opening 56 and said reinforcing part hole 55, said wall and said reinforcing part being connected to each other by a mechanical connection 15 made without substantial heating of at least one of said wall and of said reinforcing part, which might damage said destructible layer, and a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening 56 or said reinforcing part hole 55 and that an uncovering of said opening 56 covered by said destructible layer 51 by contact of said destructible layer 51 with said connection is excluded, wherein said connection extends through said destructible layer, and said connection is a rivet connection 15.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 6-10, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4,606,112 to Jenkins et al in view of USP 6,471,313 to Ueda et al.

Jenkins et al discloses a refrigerating appliance comprising all the elements recited in the above listed claims including, such as shown in Figs 5-6, a foam-filled hollow body having a wall 27 including an opening 50 formed therein, a reinforcing bar 16 having a hole 55 formed therein and disposed with said hole overlapping said opening 50 of the wall 27, said wall 27 and said reinforcing part 16 being connected to each other by a connection 60 (wherein the connection point being defined as one of the two openings 50 shown in Fig 3), wherein said connection extends through said wall and said reinforcing part, and said connection is a rivet connection, and said opening 50 is disposed on a front side of said housing and is provided for mounting a hinge (col. 6, lines 56-61.). The differences being that Jenkins et al does not disclose a destructible layer disposed between said wall 27 and said reinforcing part 16, said destructible layer covering said wall opening and said reinforcing part hole, a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening or said reinforcing part hole and that

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an uncovering of said opening covered by said destructible layer by contact of said destructible layer with said connection is excluded, wherein said connection extends through said destructible layer, the mechanical connection being formed outside said wall opening, and distorted said wall and said reinforcing part.

Ueda et al discloses a refrigerating appliance housing comprising all the elements recited in the above listed claims including, such as shown in Fig 20, a wall having an opening 56 formed therein, a reinforcing part 14 having a hole 55 formed therein and disposed with said hole 55 overlapping said opening 56 of said wall, a destructible layer 51 disposed between said wall opening 56 and said reinforcing part hole 55, said destructible layer 51 covering said wall opening 56 and said reinforcing part hole 55, said wall and said reinforcing part being connected to each other by a mechanical connection 15 made without substantial heating of at least one of said wall and of said reinforcing part, which might damage said destructible layer, and a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening 56 or said reinforcing part hole 55 and that an uncovering of said opening 56 covered by said destructible layer 51 by contact of said destructible layer 51 with said connection is excluded, wherein said connection extends through said destructible layer, and said connection is a rivet connection 15; wherein the destructible layer 51 closes the wall opening and the reinforcing part hole, thereby preventing the foamed heat-insulating material from leaking out of the housing through said opening and said hole. Therefore, it would have been obvious to modify the structure of Jenkins et al by providing a

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destructible layer disposed between said wall 27 and said reinforcing part 16, said destructible layer covering said wall opening and said reinforcing part hole, a distance of said connection from said opening being sufficient that said destructible layer is secured against any substantial offsetting to uncover said wall opening or said reinforcing part hole and that an uncovering of said opening covered by said destructible layer by contact of said destructible layer with said connection is excluded, wherein said connection extends through said destructible layer; wherein the destructible layer closes the wall opening and the reinforcing part hole, thereby preventing the foamed heat-insulating material from leaking out of the housing through said opening and said hole, as taught by Ueda et al, since both teach alternate conventional refrigerating appliance housing, used for the same intended purpose, thereby providing structure as claimed. In regard to the limitation in claim 14 of the mechanical connection distorts said wall and said reinforcing part, since it is well known in the art that there are various mechanical connecting means such as rivets, nails screws, or clinching, it would have been obvious and well within the level of one skill in the art to modify the structure of Jenkins, as modified, by using an alternate mechanical connecting means, such as clinching such that the wall and reinforcing part being distorted.

Response to Arguments

10. Applicant's arguments filed 9/18/2006 have been fully considered but they are not persuasive. In response to applicants argument on page 5 that Ueda et al fails to disclose the destructible layer covers the wall opening and the reinforcing part hole, since four rivets 15 are driven through the sheet 51 of Ueda, and while the sheet 51

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may cover the holes 55 before the rivets are driven through them, Ueda would fail to teach the limitation in claim 6 of the wall and the reinforcing part being connected to each other by a mechanical connection, the examiner takes the position that the claimed language fails to recited adequate structural limitations to the claim in order to distinguish from Ueda. The term "comprising" is inclusive or open-ended and does not exclude additional, unrecited elements. Further, Ueda discloses four openings, while the claimed language recites the wall having just a single opening therein, the reinforcing part having just a single hole therein, and only a single mechanical connection, such that one of the four openings in each of the wall and reinforcing part can be designated as the opening and the hole, while another one of the four openings can be designated as the location where the mechanical connection occurs.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
May 11, 2007

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SUPERVISORY PATENT EXAMINER
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